

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK  
2 NIAGARA STREET  
BUFFALO, NEW YORK 14202



February 8, 2022

John M. Fitzak v. Anthony J. Annucci, et al.  
21 – CV -00298 (L J V)  
**Letter – Motion (Sur-reply)**

Dear Honorable Judge Vilardo,

I am the Petitioner in the above Case, seeking leave of the Court to file a sur-reply or, in the alternative, leave to file a Summary Judgment pursuant to Federal Rule 56(c).

The Defendants filed a Reply Memorandum of Law to this action on January 18, 2022 in further support to their Motion to Dismiss the Petitioner's Amended Complaint.

It is the Petitioner's position that the Respondents and their legal representative are continuing to misrepresent and twist their actions that are the crux of this action which could misguide this Court.

While the Petitioner acknowledges that the Rules of Litigation are present to effectively dispense justice, as a layman, the Petitioner highly objects to the disceit and trickery that the Defendants and their counsel are utilizing at the Plaintiff's expense.

The Plaintiff seeks a fair opportunity to respond to the continued misguidings presented by the Defendants in their Reply, or, at the very least, having this Court allow for Discovery to commence so that depositions and any other information may be gathered to effectively perfect this case.

Respectfully submitted,

John M. Fitzak, Petitioner Pro-se  
14435 Lakeshore Rd  
Kent, NY 14477

Revised 05/01 WDNV

**AFFIRMATION OF SERVICE**

(If you are not having your signature notarized, use this form)

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

\_\_\_\_\_  
John M. Fitzak,

Plaintiff(s),

v.

AFFIRMATION OF SERVICE

\_\_\_\_ 21 \_\_\_\_ -CV- 00298 (L J V)

\_\_\_\_\_  
Anthony J. Annucci, Jason D. Effman, James O'Gorman,

Defendant(s).

\_\_\_\_\_  
I, (print your name) John M. Fitzak, served a copy of the attached papers  
(state the name of your papers) Letter - Request to File Sur-Reply

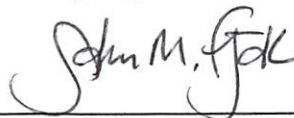
\_\_\_\_\_  
upon all other parties in this case  
by mailing ☒ by hand-delivering ☐ (check the method you  
used)

these documents to the following persons (list the names and addresses of the people you  
served) Kim S. Murphy, Assistant Attorney General of Counsel, Main Place Tower, suite 300A,  
350 Main Street, Buffalo, NY 14202

\_\_\_\_\_  
on (date service was made) February 8, 2022

I declare under penalty of perjury that the foregoing is true and correct, to the best of my  
knowledge, information and belief.

Executed on February 8, 2022  
(date)



(your signature)



John M. Fitzak  
14435 LAKESHORE RD  
KENT, NY 14477



21-cv-00298

MARY C. LOEWENGUTH, CLERK OF COURT  
UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK  
2 NIAGARA SQUARE  
BUFFALO, NEW YORK 14202-3498

